

AMENDED IN ASSEMBLY JULY 14, 2015

AMENDED IN ASSEMBLY JULY 8, 2015

AMENDED IN ASSEMBLY JUNE 25, 2015

AMENDED IN SENATE JUNE 1, 2015

**SENATE BILL**

**No. 27**

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**Introduced by Senator Hill**

December 1, 2014

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An act to ~~amend Section 4846.5 of the Business and Professions Code, and to~~ add Chapter 4.5 (commencing with Section 14400) to Division 7 of the Food and Agricultural Code, relating to livestock.

LEGISLATIVE COUNSEL'S DIGEST

SB 27, as amended, Hill. Livestock: use of antimicrobial drugs.

(1) Existing law regulates the distribution and use of livestock drugs, as defined, by the Secretary of Food and Agriculture. Existing law also requires a person to obtain a license from the secretary to manufacture, sell, distribute, or store commercial feed, including commercial feed containing drugs.

This bill would, beginning January 1, 2018, prohibit the administration of medically important antimicrobial drugs, as defined, to livestock unless ordered by a licensed veterinarian through a prescription or veterinary feed directive pursuant to a veterinarian-client-patient relationship, as specified, and would prohibit the administration of a medically important antimicrobial drug to livestock solely to cause an increased rate of weight gain or improved feed efficiency. The bill would require the Department of Food and Agriculture, in consultation with the Veterinary Medical Board and the State Department of Public Health, to implement programs to promote antimicrobial stewardship

in livestock, and, in coordination with specified national entities, would require the department to develop a monitoring program to gather information on sales, usage, resistance, and management practice data for medically important antimicrobial drugs. The bill would require information provided pursuant to those provisions to be held confidential, as specified. The bill would make a first violation of the bill's provisions subject to a civil penalty of \$250 for each day a violation occurs, and would make second and subsequent violations subject to an administrative fine of \$500 for each day a violation occurs.

~~(2) The Veterinary Medicine Practice Act provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board, and requires an applicant for a renewal license to complete 36 hours of continuing education in the preceding 2 years.~~

~~This bill would require a veterinarian who receives a licence to practice veterinary medicine on or after January 1, 2018, to complete an approved course on the judicious use of medically important antimicrobial drugs every 4 years as part of the continuing education requirement.~~

~~(3)~~

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

~~(4) Because a violation of the provisions of the Veterinary Medicine Practice Act would be a misdemeanor, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~ no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 4846.5 of the Business and Professions~~  
2     ~~Code is amended to read:~~

3     ~~4846.5. (a) Except as provided in this section, the board shall~~  
4     ~~issue renewal licenses only to those applicants that have completed~~  
5     ~~a minimum of 36 hours of continuing education in the preceding~~  
6     ~~two years.~~

7     ~~(b) (1) Notwithstanding any other law, continuing education~~  
8     ~~hours shall be earned by attending courses relevant to veterinary~~  
9     ~~medicine and sponsored or cosponsored by any of the following:~~

10    ~~(A) American Veterinary Medical Association (AVMA)~~  
11    ~~accredited veterinary medical colleges.~~

12    ~~(B) Accredited colleges or universities offering programs~~  
13    ~~relevant to veterinary medicine.~~

14    ~~(C) The American Veterinary Medical Association.~~

15    ~~(D) American Veterinary Medical Association recognized~~  
16    ~~specialty or affiliated allied groups.~~

17    ~~(E) American Veterinary Medical Association's affiliated state~~  
18    ~~veterinary medical associations.~~

19    ~~(F) Nonprofit annual conferences established in conjunction~~  
20    ~~with state veterinary medical associations.~~

21    ~~(G) Educational organizations affiliated with the American~~  
22    ~~Veterinary Medical Association or its state affiliated veterinary~~  
23    ~~medical associations.~~

24    ~~(H) Local veterinary medical associations affiliated with the~~  
25    ~~California Veterinary Medical Association.~~

26    ~~(I) Federal, state, or local government agencies.~~

27    ~~(J) Providers accredited by the Accreditation Council for~~  
28    ~~Continuing Medical Education (ACCME) or approved by the~~  
29    ~~American Medical Association (AMA), providers recognized by~~  
30    ~~the American Dental Association Continuing Education~~  
31    ~~Recognition Program (ADA CERP), and AMA or ADA affiliated~~  
32    ~~state, local, and specialty organizations.~~

33    ~~(2) Continuing education credits shall be granted to those~~  
34    ~~veterinarians taking self-study courses, which may include, but~~  
35    ~~are not limited to, reading journals, viewing video recordings, or~~  
36    ~~listening to audio recordings. The taking of these courses shall be~~  
37    ~~limited to no more than six hours biennially.~~

~~(3) The board may approve other continuing veterinary medical education providers not specified in paragraph (1).~~

~~(A) The board has the authority to recognize national continuing education approval bodies for the purpose of approving continuing education providers not specified in paragraph (1).~~

~~(B) Applicants seeking continuing education provider approval shall have the option of applying to the board or to a board-recognized national approval body.~~

~~(4) For good cause, the board may adopt an order specifying, on a prospective basis, that a provider of continuing veterinary medical education authorized pursuant to paragraph (1) or (3) is no longer an acceptable provider.~~

~~(5) Continuing education hours earned by attending courses sponsored or cosponsored by those entities listed in paragraph (1) between January 1, 2000, and January 1, 2001, shall be credited toward a veterinarian's continuing education requirement under this section.~~

~~(e) Every person renewing his or her license issued pursuant to Section 4846.4, or any person applying for relicensure or for reinstatement of his or her license to active status, shall submit proof of compliance with this section to the board certifying that he or she is in compliance with this section. Any false statement submitted pursuant to this section shall be a violation subject to Section 4831.~~

~~(d) This section shall not apply to a veterinarian's first license renewal. This section shall apply only to second and subsequent license renewals granted on or after January 1, 2002.~~

~~(e) The board shall have the right to audit the records of all applicants to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a period of four years and shall make these records available to the board for auditing purposes upon request. If the board, during this audit, questions whether any course reported by the veterinarian satisfies the continuing education requirement, the veterinarian shall provide information to the board concerning the content of the course; the name of its sponsor and cosponsor, if any; and specify the specific curricula that was of benefit to the veterinarian.~~

~~(f) A veterinarian desiring an inactive license or to restore an inactive license under Section 701 shall submit an application on~~

1 a form provided by the board. In order to restore an inactive license  
2 to active status, the veterinarian shall have completed a minimum  
3 of 36 hours of continuing education within the last two years  
4 preceeding application. The inactive license status of a veterinarian  
5 shall not deprive the board of its authority to institute or continue  
6 a disciplinary action against a licensee.

7 (g) ~~Knowing misrepresentation of compliance with this article~~  
8 ~~by a veterinarian constitutes unprofessional conduct and grounds~~  
9 ~~for disciplinary action or for the issuance of a citation and the~~  
10 ~~imposition of a civil penalty pursuant to Section 4883.~~

11 (h) ~~The board, in its discretion, may exempt from the continuing~~  
12 ~~education requirement any veterinarian who for reasons of health,~~  
13 ~~military service, or undue hardship cannot meet those requirements.~~  
14 ~~Applications for waivers shall be submitted on a form provided~~  
15 ~~by the board.~~

16 (i) ~~The administration of this section may be funded through~~  
17 ~~professional license and continuing education provider fees. The~~  
18 ~~fees related to the administration of this section shall not exceed~~  
19 ~~the costs of administering the corresponding provisions of this~~  
20 ~~section.~~

21 (j) ~~For those continuing education providers not listed in~~  
22 ~~paragraph (1) of subdivision (b), the board or its recognized~~  
23 ~~national approval agent shall establish criteria by which a provider~~  
24 ~~of continuing education shall be approved. The board shall initially~~  
25 ~~review and approve these criteria and may review the criteria as~~  
26 ~~needed. The board or its recognized agent shall monitor, maintain,~~  
27 ~~and manage related records and data. The board may impose an~~  
28 ~~application fee, not to exceed two hundred dollars (\$200)~~  
29 ~~biennially, for continuing education providers not listed in~~  
30 ~~paragraph (1) of subdivision (b).~~

31 (k) ~~A veterinarian who receives his or her license to practice~~  
32 ~~veterinary medicine on or after January 1, 2018, shall complete~~  
33 ~~an approved course on the judicious use of medically important~~  
34 ~~antimicrobial drugs, as defined in Section 14400 of the Food and~~  
35 ~~Agricultural Code, every four years as part of his or her continuing~~  
36 ~~education requirement.~~

37 ~~SEC. 2.~~

38 *SECTION 1.* Chapter 4.5 (commencing with Section 14400)  
39 is added to Division 7 of the Food and Agricultural Code, to read:

1 CHAPTER 4.5. LIVESTOCK: USE OF ANTIMICROBIAL DRUGS

2  
3 14400. For purposes of this chapter, the following definitions  
4 apply:

5 (a) “Medically important antimicrobial drug” means an  
6 antimicrobial drug listed in Appendix A of the federal Food and  
7 Drug Administration’s Guidance for Industry #152, including  
8 critically important, highly important, and important antimicrobial  
9 drugs, as that appendix may be amended.

10 (b) “Livestock” means all animals and poultry, including aquatic  
11 and amphibian species, that are raised, kept, or used for profit.  
12 Livestock does not include those species that are usually kept as  
13 pets, such as dogs, cats, and pet birds.

14 14401. Beginning January 1, 2018, a medically important  
15 antimicrobial drug shall not be administered to livestock unless  
16 ordered by a licensed veterinarian through a prescription or  
17 veterinary feed directive, pursuant to a veterinarian-client-patient  
18 relationship that meets the requirements of Section 2032.1 of Title  
19 16 of the California Code of Regulations.

20 14402. (a) Beginning January 1, 2018, a medically important  
21 antimicrobial drug may be used when, in the professional judgment  
22 of a licensed veterinarian, the medically important antimicrobial  
23 drug is necessary for any of the following:

24 (1) To treat a disease or infection.

25 (2) To control the spread of a disease or infection.

26 (3) In relation to surgery or a medical procedure.

27 (4) For prophylaxis to prevent the contraction of a particular  
28 disease or infection known or suspected to occur in a specific  
29 situation if antimicrobial prophylaxis is considered by a licensed  
30 veterinarian to be effective to prevent that infection or disease.

31 (b) A person shall not administer a medically important  
32 antimicrobial drug to livestock solely for purposes of promoting  
33 weight gain or improving feed efficiency.

34 (c) Unless the administration is consistent with subdivision (a),  
35 a person shall not administer a medically important antimicrobial  
36 drug in a repeated or regular pattern.

37 14403. (a) Notwithstanding Sections 14401 and 14402 of this  
38 code and Section 4051 of the Business and Professions Code,  
39 medically important antimicrobial drugs may be sold by retailers

1 licensed pursuant to Article 5 (commencing with Section 14321)  
2 of Chapter 4 of Division 7 with proof of an order by a veterinarian.

3 (b) The department may promulgate regulations to implement  
4 this section.

5 14404. (a) The department, in consultation with the Veterinary  
6 Medical Board and the State Department of Public Health, may  
7 implement programs, including, but not limited to, best  
8 management practices, to promote antimicrobial stewardship in  
9 livestock to ensure that each animal gets the intended benefit from  
10 the drug to help preserve the lifesaving potential of the drugs in  
11 the future. The programs shall include antimicrobial stewardship  
12 guidelines on the proper use of medically important antimicrobial  
13 drugs for disease treatment, control, and prevention, including,  
14 but not limited to, the introduction of effective vaccines and good  
15 hygiene and management practices.

16 (b) The department shall consult with livestock producers, food  
17 animal veterinarians, and any other relevant stakeholders on  
18 ensuring livestock timely access to treatment for producers in rural  
19 areas with limited access to veterinary care.

20 (c) For purposes of this section, “antimicrobial stewardship” is  
21 a commitment to do all of the following:

22 (1) To use medically important antimicrobial drugs only when  
23 necessary to treat, control, and, in some cases, prevent, disease.

24 (2) To select the appropriate medically important antimicrobial  
25 drug, and to administer the drug correctly each time.

26 (3) To use medically important antimicrobial drugs for the  
27 shortest duration necessary and administered to the fewest animals  
28 necessary.

29 (d) The department, in consultation with the Veterinary Medical  
30 Board, shall sponsor projects or collaborate with universities,  
31 cooperative extension, and veterinary, livestock, and poultry trade  
32 associations to do the following:

33 (1) Promote and develop appropriate training materials for  
34 veterinarians, as well as livestock owners and their employees, to  
35 promulgate good stewardship practices.

36 (2) Disseminate scientifically validated practical alternatives  
37 that may reduce the reliance on medically important antimicrobial  
38 drugs while maintaining and promoting animal health.

39 14405. (a) In coordination with the National Animal Health  
40 Monitoring System and the National Antimicrobial Resistance

1 Monitoring System, the department shall develop a monitoring  
2 program that gathers information on sales, usage, resistance, and  
3 management practice data. The monitoring system shall be  
4 compatible with, and not duplicative of, the national monitoring  
5 system.

6 (b) In order to carry out this section, the department may request  
7 copies of veterinary feed directives and prescriptions from the  
8 livestock owner, veterinarian, or distributor. Participation in this  
9 effort shall be done in a manner that does not breach  
10 veterinary-patient confidentiality laws.

11 (c) The department shall seek funds from federal, state, private,  
12 and other sources to implement this section.

13 14406. (a) The department shall consider how best to gather  
14 representative samples from all of the following:

- 15 (1) California's major livestock segments.
- 16 (2) Regions with considerable livestock production.
- 17 (3) Representative segments of the food production chain.

18 (b) The department shall work with willing participants to gather  
19 samples and may consult with livestock producers, food animal  
20 veterinarians, and any other relevant stakeholders on the  
21 implementation of the monitoring system.

22 14407. Notwithstanding the California Public Records Act  
23 (Chapter 3.5 (commencing with Section 6250) of Division 7 of  
24 Title 1 of the Government Code), any information provided  
25 pursuant to this chapter shall be held confidential, and shall not  
26 be disclosed to any person or governmental agency, other than the  
27 department or the Veterinary Medical Board, for the purposes of  
28 enforcing the Veterinary Medicine Practice Act (Chapter 11  
29 (commencing with Section 4800) of Division 2 of the Business  
30 and Professions Code), unless the data is aggregated to prevent  
31 the identification of an individual farm or business. Information  
32 may be shared with federal agencies so long as it is protected by  
33 the federal Confidential Information Protection and Statistical  
34 Efficiency Act of 2002 (Public Law 107-347).

35 14408. (a) A person who violates this chapter shall be liable  
36 for a civil penalty of not more than two hundred and fifty dollars  
37 (\$250) for each day a violation occurs.

38 (b) (1) For a second or subsequent violation, a person who  
39 violates this chapter shall be punishable by an administrative fine,



1 levied by the secretary, in the amount of five hundred dollars  
2 (\$500) for each day a violation occurs.

3 (2) In addition to the administrative fine, the violator shall attend  
4 an educational program on the judicious use of medically important  
5 antimicrobial drugs that has been approved by the secretary. The  
6 violator shall successfully complete the program and provide proof  
7 to the secretary within 90 days from the occurrence of the violation.

8 (c) In addition to the penalties set forth in this section, if the  
9 Veterinary Medical Board determines that a veterinarian has  
10 engaged in unprofessional conduct in violation of the Veterinary  
11 Medicine Practice Act (Chapter 11 (commencing with Section  
12 4800) of Division 2 of the Business and Professions Code), the  
13 veterinarian may be subject to disciplinary sanctions pursuant to  
14 the act.

15 (d) The fees collected pursuant to this article shall be deposited  
16 into the Department of Food and Agriculture Fund and shall be  
17 available for expenditure upon appropriation by the Legislature.

18 ~~SEC. 3.~~

19 *SEC. 2.* The Legislature finds and declares that Section-2 *I* of  
20 this act, which adds Section 14407 to the Food and Agricultural  
21 Code, imposes a limitation on the public's right of access to the  
22 meetings of public bodies or the writings of public officials and  
23 agencies within the meaning of Section 3 of Article I of the  
24 California Constitution. Pursuant to that constitutional provision,  
25 the Legislature makes the following findings to demonstrate the  
26 interest protected by this limitation and the need for protecting  
27 that interest:

28 In order to ensure the confidentiality of the information collected  
29 pursuant to this act and the integrity of that information for  
30 regulatory and enforcement purposes, it is necessary that this act  
31 take effect.

32 ~~SEC. 4. No reimbursement is required by this act pursuant to~~  
33 ~~Section 6 of Article XIII B of the California Constitution because~~  
34 ~~the only costs that may be incurred by a local agency or school~~  
35 ~~district will be incurred because this act creates a new crime or~~  
36 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
37 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
38 ~~the Government Code, or changes the definition of a crime within~~

- 1 ~~the meaning of Section 6 of Article XIII B of the California~~
- 2 ~~Constitution.~~

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